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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/431,140	11/01/99	OKUNO	C-A-21667

026694 PM82/0912  
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EXAMINER

UNDERWOOD, D

ART UNIT

PAPER NUMBER

3652 3

**DATE MAILED:** 09/12/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/431,140</b> Applicant(s) <b>Okuno</b> Examiner <b>Underwood</b> Group Art Unit <b>3652</b>
<i>—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—</i>	
<b>Period for Reply</b>	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <b>6WE</b> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.	
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).	
<b>Status</b>	
the application <input checked="" type="checkbox"/> Responsive to communication(s) filed on <b>11/01/99</b> <input type="checkbox"/> This action is FINAL. <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.	
<b>Disposition of Claims</b>	
<input checked="" type="checkbox"/> Claim(s) <b>1 - 32</b> is/are pending in the application. <input type="checkbox"/> Of the above claim(s) <b>NONE</b> is/are withdrawn from consideration. <input type="checkbox"/> Claim(s) _____ is/are allowed. <input type="checkbox"/> Claim(s) _____ is/are rejected. <input type="checkbox"/> Claim(s) _____ is/are objected to. <input checked="" type="checkbox"/> Claim(s) <b>1 - 32</b> are subject to restriction or election requirement.	
<b>Application Papers</b>	
<input type="checkbox"/> See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. <input type="checkbox"/> The proposed drawing correction, filed on _____ is <input type="checkbox"/> approved <input type="checkbox"/> disapproved. <input type="checkbox"/> The drawing(s) filed on _____ is/are objected to by the Examiner. <input type="checkbox"/> The specification is objected to by the Examiner. <input type="checkbox"/> The oath or declaration is objected to by the Examiner.	
<b>Priority under 35 U.S.C. § 119 (a)-(d)</b>	
<input checked="" type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). <input checked="" type="checkbox"/> All <input type="checkbox"/> Some* <input type="checkbox"/> None of the CERTIFIED copies of the priority documents have been received. <input type="checkbox"/> received in Application No. (Series Code/Serial Number) _____. <input type="checkbox"/> received in this national stage application from the International Bureau (PCT Rule 17.2(a)).	
*Certified copies not received: _____	
<b>Attachment(s)</b>	
<input type="checkbox"/> Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ <input type="checkbox"/> Interview Summary, PTO-413 <input type="checkbox"/> Notice of Reference(s) Cited, PTO-892 <input type="checkbox"/> Notice of Informal Patent Application, PTO-152 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review, PTO-948 <input type="checkbox"/> Other _____	
<b>Office Action Summary</b>	

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**Restriction**

This application contains claims directed to the following patentably distinct species of the claimed invention: figures 2, 5, 7, 9, 12, 14, 16, 17, 19, 21, 22, 23, 24, 25, 27, 29 and 31.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

[Redacted]

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Any inquiry concerning this communication should be directed to Examiner D. Underwood at telephone number (703) 308-1113.

Underwood/ph

September 5, 2001

*Donald W. Underwood 09/10/01*  
DONALD W. UNDERWOOD  
PRIMARY EXAMINER